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§15–149.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Applied behavior analysis” means the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences to produce significant improvements in human behavior.

(ii) “Applied behavior analysis” includes the direct observations, measurement, and functional analysis of the relations between environment and behavior.

(3) “Early and periodic screening, diagnosis, and treatment (EPSDT)” means the provision, to individuals under the age of 21 years, of preventive health care under 42 C.F.R. Part 441, Subpart B, as amended, and other health care services, diagnostic services, and treatment services that are necessary to correct or ameliorate defects, physical and mental illnesses, and conditions discovered by those screening services.

(b) This section applies to EPSDT services available to Program recipients.

(c) (1) Subject to paragraph (2) of this subsection, the Department may not condition reimbursement of applied behavior analysis services provided to a Program recipient on the presence or availability of the parent or caregiver of the Program recipient in the setting where the applied behavior analysis services are provided to the Program recipient.

(2) Paragraph (1) of this subsection does not prohibit the Program from establishing reasonable standards for the involvement of a parent or caregiver, including requiring notification from the parent or caregiver of the decision of the parent or caregiver not to be present or available when the Program provides applied behavior analysis services to a Program recipient.

(d) On or before December 1, 2021, the Department, in consultation with stakeholders, shall adopt regulations to implement the provisions of this section.

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